

### REMARKS

The Examiner's Office Action of May 17, 2007 has been carefully reviewed. The Examiner rejected claims 1, 2, 4, and 6 under "35 U.S.C. 102(b) as being anticipated by Breider (US 4,985,692)." The Examiner also rejected claims 1, 4, and 5 under "35 U.S.C. 102(b) as being anticipated by Becker (US 4,445,871)." The Examiner rejected claims 3 and 7 under "35 U.S.C. 103(a) as being unpatentable over Breider in view of Kerai (US 2002/0005707)." The Examiner rejected claim 5 under "35 U.S.C. 103(a) as being unpatentable over Breider in view of Becker (US 4,445,871)." The Examiner rejected claims 2 and 3 under "35 U.S.C. 103(a) as being unpatentable over Becker in view of Kerai." The Examiner's rejection of pending claims 1-7 is traversed in light of the claim amendments and arguments presented herein.

Claims 1 and 6 are the only independent claims pending. Both of these independent claims have been amended to more precisely define a notetaker as including "a speech synthesizer for audibly outputting information." None of the references relied upon by the Examiner include at least this claim limitation.

### **35 U.S.C. § 102**

Breider does not anticipate because it does not include at least the limitation that the notetaker include a speech synthesizer. The portable computer described by Breider is not equivalent to a notetaker as commonly known in the art, and more specifically recited in the claims as amended herein. Because Breider does not include a notetaker as described in the amended claims herein, it does not anticipate Applicant's claims. Accordingly, independent claims 1 and 6 are not

anticipated by Breider, and are in condition for allowance. Because claims 2 and 4 are dependent upon claim 1, claims 2 and 4 are also not anticipated, and are similarly in condition for allowance.

Becker also does not include at least the limitation that the notetaker includes a speech synthesizer. Moreover, the writer 4 of Becker, just as with the Breider disclosure, is not a notetaker as known in the art. As described in Becker, the writer 4 functions only when connected to the reader 2. *See* 16:64-17:8 ("With the writer at the WRITER READY TO USE state 183, **that is, with the reader having an unrecorded tape in place**, the reader controls set on slow forward and band #1, **the reader connected to the writer ...**")(emphasis added). The writer 4 of Becker is not an independent device, but rather a complement used in encoding tapes used for storage in Becker. Notetakers, on the other hand, are used independently. Thus, one aspect of the novelty of Applicants' invention is the ability to utilize a detachable Braille display with small, portable notetakers. Becker does not disclose or anticipate the claimed invention. Because Becker does not anticipate independent claim 1, claim 1, and dependent claims 4 and 5 are in condition for allowance.

### 35 U.S.C. § 103

Applicant notes that the Examiner has failed to uncover any prior art that discloses the claimed combination; namely, a detachable Braille display for use with a portable special purpose blind or low vision user notetaker. Likewise, and as elaborated upon hereinafter, the Examiner has found no suggestion or motivation in the prior art for devising such a device. Accordingly, the Examiner's rejection of

claims 2, 3, 5 and 7 should be withdrawn. The Examiner's specific rejections are addressed in turn below.

As the Examiner is no doubt aware, in determining obviousness, "[t]he claimed invention must be considered as a whole, and the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination." *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick*, 221 U.S.P.Q. 481 (Fed. Cir. 1984).

The Supreme Court recently explained the standards for obviousness:

Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit.

*KSR International Co. v. Teleflex, Inc.*, No 04-1350 at 14 (U.S. Apr. 30, 2007).

Further, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.* (quoting and citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Moreover, "a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *Id.* Thus, "it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." *Id.* Prior to this analysis, however, the Examiner must make a prima facie showing of obviousness. *See* MPEP §2142.

The only additional reference relied upon by the Examiner is Kerai. Kerai, directed to battery charging technology, does not provide any of the missing limitations discussed at length above. Accordingly, combining Kerai with either Becker or Breider does not disclose, teach, suggest, or otherwise indicate the claimed invention herein. Thus, the Examiner's rejection of claims 3 and 7 in view of Breider and Kerai should be withdrawn. Similarly, as discussed above, neither Breider nor Becker anticipates any of the claims as currently amended because, at a minimum, neither includes a speech synthesizer in the portable notetaker. Thus, combining Breider and Becker does not disclose, teach, suggest or otherwise indicate at least this necessary claim limitation. Therefore, the Examiner's rejection of claim 5 in view of Breider and Becker should also be withdrawn. Finally, as above, combining Kerai with Becker also does not disclose, teach, suggest, or otherwise indicate the claimed invention as amended herein. Thus, the Examiner's rejection of claims 2 and 3 in view of Becker and Kerai should also be withdrawn.

For the foregoing reasons, Applicant urges reconsideration of the Examiner's rejections based upon 35 U.S.C. §103(a). Applicant contends that the claims as presented are free of the prior art and are in a condition for allowance. A Notice of Allowance is respectfully requested.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons

for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 50-1667.

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**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that the foregoing Amendment was placed in an envelope and mailed via U.S. Express Mail, postage prepaid to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this the 24<sup>th</sup> day of October, 2007.

  
Michael J. Colitz, III

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